

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

STREAMSCALE, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 6:21-cv-00198-ADA
)	
CLOUDERA, INC.,)	JURY TRIAL DEMANDED
ADP, INC., EXPERIAN PLC,)	
WARGAMING (AUSTIN), INC., and)	
INTEL CORPORATION,)	
)	
Defendants.)	

AGREED SCHEDULING ORDER

Pursuant to the Court’s Order Governing Proceedings—Patent Case, Plaintiff StreamScale, Inc. and Defendants Cloudera, Inc., ADP, Inc., Experian PLC, Wargaming (Austin), Inc., and Intel Corporation hereby submit this Agreed Scheduling Order.

Deadline	Item
November 9, 2021	Defendants serve preliminary ¹ invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendants contend are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendants contend are directed to ineligible subject matter under section 101. Defendants shall also produce (1) all prior art referenced in the invalidity contentions, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).
November 23, 2021	Parties exchange claim terms for construction.

¹ The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served, and should do so seasonably upon identifying any such material. Any amendment to add patent claims requires leave of court so that the Court can address any scheduling issues.

Deadline	Item
December 7, 2021	Parties exchange proposed claim constructions.
December 14, 2021	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. ² With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
December 21, 2021	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
January 18, 2022	Defendants file Opening claim construction brief, including any arguments that any claim terms are indefinite.
February 8, 2022	Plaintiff files Responsive claim construction brief.
February 22, 2022	Defendants file Reply claim construction brief.
March 8, 2022	Plaintiff files a Sur-Reply claim construction brief.
March 11, 2022	Parties submit Joint Claim Construction Statement. <i>See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).</i>
March 11, 2022	Parties submit optional technical tutorials to the Court and technical adviser (if appointed). ³
March 25, 2022	<i>Markman</i> Hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the <i>Markman</i> hearing approaches.
March 28, 2022	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
May 6, 2022	Deadline to add parties.

² Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

³ The parties should contact the law clerk to request a Box link so that the party can directly upload the file to the Court's Box account.

Deadline	Item
May 20, 2022	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to Infringement or Invalidity contentions. This deadline does not relieve the Parties of their obligation to seasonably amend if new information is identified after initial contentions.
July 15, 2022	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)
September 23, 2022	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.
October 21, 2022	Close of Fact Discovery.
October 28, 2022	Opening Expert Reports.
December 2, 2022	Rebuttal Expert Reports.
December 20, 2022	Close of Expert Discovery.
January 4, 2023	Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
January 20, 2023	Dispositive motion deadline and <i>Daubert</i> motion deadline. <i>See</i> General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
February 3, 2023	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
February 17, 2023	Serve objections to pretrial disclosures/rebuttal disclosures.
February 24, 2023	Serve objections to rebuttal disclosures and File Motions <i>in limine</i> .

Deadline	Item
March 3, 2023	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i>
March 10, 2023	<p>File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com</p> <p>Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i>.</p>
March 21, 2023	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
TBD	Final Pretrial Conference. The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing.
TBD ⁴	Jury Selection/Trial. The Court expects to set these dates at the conclusion of the <i>Markman</i> Hearing.

⁴ If the actual trial date materially differs from the Court's default schedule, the Court will consider reasonable amendments to the case schedule post-*Markman* that are consistent with the Court's default deadlines in light of the actual trial date.

Dated: August 12, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on August 12, 2021, I electronically submitted the foregoing document with the clerk of the United States District Court for the Western District of Texas, using the electronic case management CM/ECF system of the Court which will send notification of such filing to the following:

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